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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,115	03/26/2004	Sinisa Andrasic	10537/278	8026
26646	7590	06/21/2005	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			ENGLE, PATRICIA LYNN	
			ART UNIT	PAPER NUMBER
			3612	
DATE MAILED: 06/21/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/810,115

Applicant(s)

ANDRASIC ET AL.

Examiner

Patricia L. Engle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/26/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term “triangular” in claim 2 is used by the claim to mean “having an acute angle”, while the accepted meaning is “relating to a polygon having three sides.” The term is indefinite because the specification does not clearly redefine the term.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

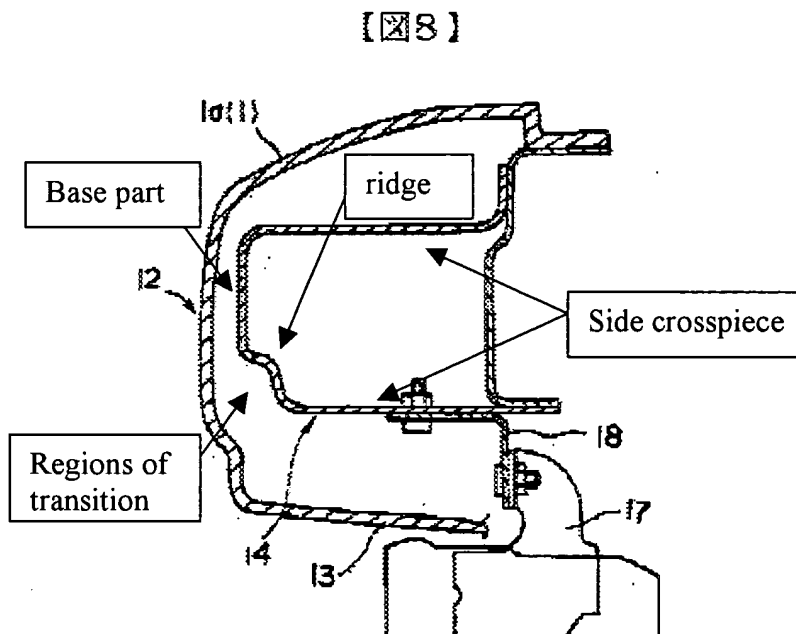
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by JP11-34770.

Regarding claims 1 and 9, JP 11-34770 discloses a bumper for a motor vehicle (1), comprising: an outer bumper (12) part; and an inner bumper part (14) including a base part (see below) and at least one side crosspiece (see below- this limitation is met by the lower crosspiece) positioned at an angle to the base part, regions of a transition (see below) from the base part to

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the side crosspiece configured so that deformation of the inner bumper part occurs in a predetermined direction (the corner of the ridge is a stress raiser with the highest bending moment arm and therefore would be the point of failure in response to a force, since the failure location would be known then the direction of failure would also be known) in response to a force applied to the bumper, the region of the transition from the base part to the side crosspiece including a ridge pointing in a desired direction of deformation.



Regarding claim 2, JP11-34770 discloses the bumper according to claim 1, wherein the ridge includes a triangular cross-section (see above).

Regarding claim 3, JP11-34770 discloses the bumper according to claim 1, wherein the inner bumper part includes two side crosspieces (see above).

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Regarding claim 4, JP11-34770 discloses the bumper according to claim 3, wherein the side crosspieces are aligned parallel to each other (see above).

Regarding claim 5, JP11-34770 discloses the bumper according to claim 3, wherein the side crosspieces are aligned substantially horizontal in an installed state (see above and Fig. 8).

Regarding claim 6, JP11-34770 discloses the bumper according to claim 1, wherein the transition from the base part to at least one side crosspiece includes a radius (see above).

Regarding claim 7, JP11-34770 discloses the bumper according to claim 6, wherein the ridge is arranged in a region of the radius (see above).

Regarding claim 8, JP11-34770 discloses the bumper according to claim 1, wherein the ridge extends over a substantial part of a width of the inner bumper part (inherent).

### *Conclusion*

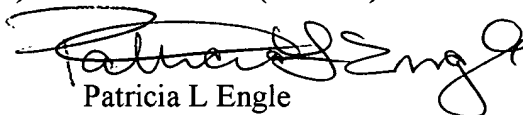
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art discloses other bumpers for motor vehicles. The Examiner would also like to point out that the reference DE10260342 confirms that corners of the ridges are the failure points- see especially Figures 2 and 3. This reference could be used as prior art unless the applicant perfects the priority. In addition US2003/00227184 also demonstrates that bends are known stress raisers and points of failure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Engle whose telephone number is (571) 272-6660. The examiner can normally be reached on Monday - Friday from 8:00 to 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patricia L Engle  
Primary Examiner  
Art Unit 3612

ple  
June 9, 2005